

## REMARKS

Claims 7-13 are pending in the application and were subject to further examination. The amendment filed on August 17, 2006 was objected to under 35 U.S.C. § 132; claims 12 and 13 were rejected under 35 U.S.C. § 112, second paragraph; claims 10-12 were rejected under 35 U.S.C. § 112, first paragraph; claims 7-12 were rejected under 35 U.S.C. § 101; claims 7, 8, and 13 were rejected under 35 U.S.C. § 102(a); and claims 9-12 were rejected under 35 U.S.C. § 103(a). The objection and rejections are addressed below. First, Applicant would like to thank the Examiner for the recent telephone call with Applicant's representative.

### Objection under 35 U.S.C. § 132

The objection under 35 U.S.C. § 132 has been addressed herein by amendment of the specification to remove the subject matter in the title of the invention and in paragraphs [0003], [0007], and [0012] added in the August 17, 2006 amendment. Applicant thus requests that the objection be withdrawn.

### Rejections under 35 U.S.C. § 112, second paragraph

Claim 12 was rejected under 35 U.S.C. § 112, second paragraph for including the term "offensive," which the Examiner indicates is a relative, undefined term. Claim 12 has been canceled herein, rendering this rejection moot.

Claim 13 was rejected under 35 U.S.C. § 112, second paragraph for depending from claim 6, which had been canceled. This rejection has been met by the present amendment to claim 13, by which its dependency has been changed to claim 7.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 10-12 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 11 and 12 have been canceled herein, without prejudice. Claim 10 is supported, for example, in paragraph [0009] of the specification, where the method of the invention is described for use as follows: “Or, it can be used to assure that partners matched with other processes aren’t assigned with those whose natural scent is offensive to them.” Applicant thus requests that this rejection be withdrawn.

Rejection under 35 U.S.C. § 101

Claims 7-12 were rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. In response to Applicant’s prior submission on this matter, by which a step of partnering was added to claim 7, the Examiner states: “the amendment of ‘partnering at least one pair of said profile-matched individuals’ could also be executed within a computer without a tangible outcome.” Applicant respectfully requests reconsideration of this rejection, for the following reasons.

As set forth above, claim 7 has been further amended to specify that the individuals subject to the partnering step, noted above, are partnered into social or potentially sexual groups in a dating service. Support for this amendment can be found in the specification in, for example, paragraph [0011], which refers to use of the present invention “when matching people in social and potentially sexual groups,” as well as in paragraph [0001], which states “...and it [the invention] relates to dating services and any other social or sexual matching of people.” This is also supported throughout the application as a whole, which is clearly related to use of

MHC matching to partner individuals in a dating service. Applicant submits that no new matter has been added by this amendment.

Applicant respectfully submits that this amendment overcomes the rejection under 35 U.S.C. § 101, because it clarifies that the partnering step results in the creation of social or potentially sexual groups in a dating service. In order for dating to be achieved, the matched individuals clearly must be connected to one another in a tangible way. This actual bringing together of people into such groups clearly is a step that must take place outside of the confines of a computer, and represents a tangible outcome. In requiring a *social* context, in a *dating service*, it is clear that the results of matching must have been communicated outside of any computer that may have been used in the matching process, with a tangible result. In view of the above, Applicant requests that the rejection under 35 U.S.C. § 101 be withdrawn.

Rejection under 35 U.S.C. § 102(b)

Claims 7, 8, and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Jacob et al., Nature Genetics 30:175-179, 2002. Applicant respectfully requests reconsideration of this rejection for the following reason. The Jacob paper describes determination of female test subject preference to odors emitted by male donors, as well as MHC complex genetic profiles for both the females and the male donors. Jacob does not describe or suggest partnering of any of the profile-analyzed individuals into social or potentially sexual groups, as is required by the present claims. Jacob thus does not anticipate the present claims, and this rejection should therefore be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 9-12 were rejected under 35 U.S.C. § 103(a) for obviousness over Jacob et al., Nature Genetics 30:175-179, 2002, in view of Wedekind et al., Proc. R. Soc. London B 260:245-249, 1995. Claims 11 and 12 have been canceled herein, without prejudice, leaving the rejection to be addressed with respect to claims 9 and 10. Jacob is cited for teaching the matching of partners based on odors using the DR gene, while Wedekind is cited for teaching use of the DRB1 gene (as noted in claim 9), as well as “other” processes (as listed in claim 10). This rejection is respectfully traversed.

Neither of the cited references teaches or suggests partnering of MHC-matched individuals into socially or potentially sexual groups, as is required by the present claims. Rather, the references only describe clinical observations. In particular, Jacob describes observations of correlations between odor preference of females and MHC genetic profile matching, but does not teach or suggest that these findings should be applied in any context, not to mention to partner individuals in social or potentially sexual groups, such as in a dating service. Wedekind describes similar observations, and suggests their importance in the context of fertility and alteration of odor components by, e.g., perfumes, deodorants, or contraceptive pill usage. Again, there is no teaching or suggestion in Wedekind to consider their observations in the context of partnering individuals in social or potentially sexual groups, such as in a dating service.

Applicant further submits that, as is well known in the art, dating services have been in use for many, many years. Similarly, correlations between odor preference and MHC profiles have also been known as shown, for example, by the cited references. However, it was not until

the present invention that these components of the present invention had been combined, leading to the launch of a new dating service (ScientificMatch.com). Further supporting the non-obviousness of the present invention, prior to the invention, scientific analysis of odor preference and MHC analysis were in a completely different field from dating services.

In view of the above, Applicant respectfully submits that presently claimed invention is not obvious over the prior art and, therefore, that the present rejection should be withdrawn.

### CONCLUSION

Applicant submits that the claims are in condition for allowance, and such action is respectfully requested. If there are any charges not covered or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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